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4 Attorneys for USACM Liquidating Trust

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

10 USA CAPITAL REALTY ADVISORS, LLC,¹

11 USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC.

12 USA CAPITAL FIRST TRUST DEED FUND,
13 LLC.²

14 || USA SECURITIES, LLC.³

Debtors.

Affects:

- All Debtors
 - USA Commercial Mortgage Company
 - USA Capital Realty Advisors, LLC
 - USA Capital Diversified Trust Deed Fund, LLC
 - USA Capital First Trust Deed Fund, LLC
 - USA Securities, LLC

Case No. BK-S-06-10725-LBR¹
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR¹
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-
06-10725 LBR

**NOTICE OF HEARING REGARDING
AMENDED OBJECTION OF THE
USACM LIQUIDATING TRUST TO
PROOF OF CLAIM FILED BY
AUGUSTINE TUFFANELLI FAMILY
TRUST (CLAIM NO. 10725-02572)**

Hearing Date: April 10, 2009
Hearing Time: 9:30 a.m.

THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM THAT YOU FILED. The USACM Trust seeks to disallow your claim because the USACM Trust contends that your claim is untimely filed, not a claim against USA

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

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1 Commercial Mortgage Company and that it is duplicative of your claim that was
 2 previously disallowed as a claim against USA Commercial Mortgage Company.

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
 4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**
 5 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
 6 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
 7 **CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.**

8 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust by and
 9 through its counsel, has filed an Objection to Proof of Claim No. 10725-02572 filed by
 10 Augustine Tuffanelli Family Trust (the “Objection”). The USACM Trust respectfully
 11 requests that the Court enter an order pursuant to § 502 of title 11 of the United States
 12 Code (the “Bankruptcy Code”), disallowing Claim No. 10725-02572 filed by Augustine
 13 Tuffanelli Family Trust in its entirety.

14 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
 15 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
 16 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
 17 **April 10, 2009, at the hour of 9:30 a.m.**

18 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 10,**
 19 **2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
 20 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
 21 **HEARD ON THAT DATE.**

22 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
 23 by **April 3, 2009**, pursuant to Local Rule 3007(b), which states:

24 If an objection to a claim is opposed, a written response must
 25 be filed and served on the objecting party at least 5 business
 26 days before the scheduled hearing. A response is deemed
 sufficient if it states that written documentation in support of
 the proof of claim has already been provided to the objecting

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1 party and that the documentation will be provided at any
evidentiary hearing or trial on that matter.

2 If you object to the relief requested, you *must* file a **WRITTEN** response to this
3 pleading with the Court. You *must* also serve your written response on the person who
4 sent you this notice.

5 If you do not file a written response with the Court, or if you do not serve your
6 written response on the person who sent you this notice, then:

- 7 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 8 • The Court may *rule against you* and sustain the objection without formally
9 calling the matter at the hearing.

10 Dated: February 26, 2009.

11 **LEWIS AND ROCA LLP**

12 By: /s/ John Hinderaker (AZ# 18024)
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14 John Hinderaker, AZ 18024
15 3993 Howard Hughes Parkway, Suite 600
16 Las Vegas, Nevada 89169-5996
17 Facsimile (702) 949-8321
18 Telephone (702) 949-8320
19 Counsel for USACM Liquidating Trust

20 Copy of the foregoing e-mailed ,
21 or mailed via First Class U.S. Mail to
22 the following party on February 26, 2009 to:

23 Augustine Tuffanelli Family Trust
24 Augustine Tuffanelli Trustee
c/o Thomas R Brooksbank
689 Sierra Rose Drive, Suite A2
Reno, NV 89511

25 Augustine Tuffanelli Family Trust
c/o Augustine Tuffanelli Trustee
2260 Mohigan Way
Las Vegas, NV 89109-3374

26 By /s/ Carrie Lawrence
Carrie Lawrence,
Lewis and Roca LLP